DOCUMENT RESUME

ED 163 270 08 CE 018 957

AUTHOR Schramm, Dwayne
TITLE Common Core Curriculum for Vocational Education. Category D: Administration and Supervision. D-6: School Law and Its Relationship to Vocational Education.
INSTITUTION California State Univ., Fresno.
SPONS AGENCY Bureau of Occupational and Adult Education (DHEW/OE), Washington, D.C.; California State Dept. of Education, Sacramento. Vocational Education Instruction Services.
PUB DATE 78
NOTE 29p.; Not available in hard copy due to print size. For related documents see CE 018 935-971
AVAILABLE FROM Director, School of Family Studies and Consumer Sciences, San Diego State University, San Diego, California 92182

EDRS PRICE MF-$0.83 Plus Postage. HC Not Available from EDRS.
DESCRIPTORS *Core Curriculum; Federal Legislation; Higher Education; Learning Activities; Learning Modules; Performance Based Teacher Education; *School Law; State Legislation; *Teacher Education Curriculum; *Vocational Education
IDENTIFIERS California

ABSTRACT

This module on school law and its relationship to vocational education is one of a set of eight on administration and supervision and is part of a larger series of thirty-four modules intended as a core curriculum for use in the professional preparation of vocational educators in the areas of agricultural, business, home economics, and industrial education. Following the module objective and overview and a bibliography of suggested resource materials (readings) for the entire module, five lessons are presented: (1) examining sources from which school law stems; (2) examining school law based on judicial opinions; (3) examining school law resulting from federal statutes; (4) examining recent school law on vocational education resulting from federal legislation; and (5) examining school law on vocational education resulting from state legislation and local agency resolutions. Each lesson contains the objective, overview, a list of suggested learning activities, and a list of suggested resources (readings). Concluding the module is a pre/posttest and an answer key. (The modules have been field tested in various educational settings, including bachelor and masters degree programs, and are considered adaptable to many instructional styles and student entry levels. CE 018 935-937 contain working papers and other materials used in the development of the module series.) (JH)

**********
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
**********

ED163270

Common Core Curriculum
for Vocational Education

D-6

# SCHOOL LAW AND ITS RELATIONSHIP TO VOCATIONAL EDUCATION

---

Module Writer: Dwayne Schramm, Ph.D.

Category D:

ADMINISTRATION AND SUPERVISION

Project Director
Gwen Cooke, Ph.D.

Assistant Project Director
Maurine Vander Griend, M.S.

1978

CE 018 957

U S DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

## ABOUT THIS MODULAR CURRICULUM

This module is one of a series of 34 modules intended for use in the professional preparation of vocational educators in the vocational education service areas of agricultural, business, home economics, and industrial education. The curriculum can be adapted to various styles of instruction and to various entry-levels of students.

It is recommended that an instructor planning to use these modules review each category to determine if any modification is needed in the objectives and suggested activities so that they conform with local institutional policies and/or vocational education programs. It is also suggested that resources and activities be identified for the specific entry-level of the student to be served.

The activities listed are suggested. The use of any other activity or reading reference which the instructor believes would help to accomplish the objectives of that lesson is encouraged. The choice of the teacher to use the entire module, either through group reports or individualized assignment, will be related to individual student competency requirements.

Since many modules strongly recommend the use of local administrative personnel and community resources, it is suggested that all site visitations and requests for assistance in the community be coordinated by or cleared through the instructor. The instructor may wish to distribute these tasks among the student group and across the community with the class report system being used to disseminate the information gathered.

These modules have been field tested in various settings. They have been used with students working toward a bachelor's or master's degree and with students seeking the designated subjects credential in California. Some modules were tested through student independent study, others as part of total class assignment, and still others as an alternate activity. Workshop participants examined the materials in terms of content, activities, and resources. The adaptability of this curriculum is one of its strengths.

The materials could not have been completed without the participation and contribution of many individuals. Chief among these persons were the module writers, workshop participants, field-test instructor, and students. Conference presentors and evaluators also contributed to this project. Proceedings of the workshop are available upon request.

If we can provide you with information or help in using this curriculum, please feel free to contact us.

Project Director

Dr. Gwen C. Clarke, Chairperson
Home Economics Department
California State University, Fresno

Assistant to Director

Maurine Vander Griend, Adjunct Professor
Home Economics Department
California State University, Fresno

COMMON CORE CURRICULUM

FOR

VOCATIONAL EDUCATION

## MODULE WRITERS


William Bain, M.A.
Ann Bauer, M.S.
Lloyd Dowler, M.S.
Frances Harkins, M.S.
Hal Marsters, M.S.
Joan Martin, Ed.D.
Kenneth Moshier, Ph.D.
Dwayne Schramm, Ph.D.
Gayle Sobolik, Ph.D.
Garv Winegar, D.Ed.



This work was developed under a contract with the California State Department of Education under the provisions of Public Law 90-5-76, EPDA, Part F. However, the opinions expressed herein do not necessarily reflect the position or policy of the State Department of Education and no official endorsement by the State Department of Education should be inferred.

TABLE OF CONTENTS


Module Objective . . . . . Page 1
Module Overview . . . . . 1
Resource Materials For Completing The Activities In This Module . . . . 3
Lesson One: Examining Sources From Which School Law Stems. . . . . 4
a. Objective . . . . . 4
b. Overview . . . . . 4
c. Suggested Activities . . . . . 4
d. Suggested Resources . . . . . 5
Lesson Two: Examining School Law Based On Judicial Opinions . . . . . 6
a. Objective . . . . . 6
b. Overview . . . . . 6
c. Suggested Activities. . . . . 6
d. Suggested Resources . . . . . 7
Lesson Three: Examining School Law Resulting From Federal Statutes . . 8
a. Objective . . . . . 8
b. Overview ..... 8
c. Suggested Activities . . . . . 8
d. Suggested Resources . . . . . 9
Lesson Four: Examining Recent School Law On Vocational Education Resulting From Federal Legislation . . . . . 10
a. Objective . . . . . 10
b. Overview . . . . . 10
c. Suggested Activities. . . . . 10
d. Suggested Resources . . . . . 11
Lesson Five: Examining School Law On Vocational Education Resulting From State Legislation And Local Agency Resolutions . . . 12
a. Objective . . . . . 12
b. Overview . . . . . 12
c. Suggested Activities . . . . . 12
d. Suggested Resources . . . . . 14
Module Pre/Posttest . . . . . 15
Answer Key . . . . . 18

SCHOOL LAW AND ITS RELATIONSHIP TO VOCATIONAL EDUCATION

## Module Objective

Upon the satisfactory completion of this module, the student preparing to become a teacher of vocational education subjects will have investigated the topic of school law and specifically should be able to identify and describe what is referred to in the following topics pertaining to school law:

(1) General sources of school law.

(2) Decisions in school law which are based on judicial opinions.

(3) School law resulting from federal statutes.

(4) Recent school law on vocational education resulting from federal legislation.

(5) School law on vocational education resulting from state legislation and local agency resolutions.

## Module Overview

School law has its foundation in "the supreme law of the land"--the United States Constitution. Its authority is received indirectly through the Tenth Amendment to the Constitution. The Tenth Amendment reserves to the states all matters not delegated to the federal government. Education is one of those matters not mentioned in the Articles of the United States Constitution; therefore, it is a reserved power implicitly given to the states by the United States Constitution.

However, the United States Constitution has a profound influence on school law even if direct power is given to the states. This is true because the first ten amendments to the United States Constitution may not be violated by the states--even in the area of education. The United States Constitution is looked upon as the source from which school law springs, and all school law must be in compliance with the Constitution.

From time to time, the federal government has enacted statutes dealing with certain phases of education. Among these statutes are laws pertaining to vocational education. These statutes also are "the supreme law of the land," and the states must comply with them. Among such statutes are the Morrill Land-Grant Act of 1862, the Smith-Hughes Act of 1917, the

National Defense Education Act of 1958, the Economic Opportunity Act of 1964, and the Vocational Education Act of 1976.

Most school law, however, is enacted by state legislatures. The statute books of every state contain legislation describing how the public schools in that state should be run. These statutes may tell specifically how the schools are to be operated, or they may delegate such responsibility to a state board of education or a state school officer. When the legislature has made such a delegation, the rulings and regulations of the state board or state officer have the same force and effect as the law of the state.

Subordinate to the agencies of the state are the local school boards. Regulations coming from these boards have the legal force equal to state board regulations or state statutes in those areas in which the legislature of that state has delegated them authority.

Statutory school law, then, has its authority stemming from federal legislation, state legislation, rules and regulations of a state board of education or a state school officer, and resolutions of a local school board.

In addition to statutory sources, school law also arises from judicial opinions. This source is referred to as case law. Case law develops from judicial opinions which result from the interpretations of constitutional and statutory law.

This module is designed to assist a student in examining the area of school law. First the student will investigate the broad topic of school law, then take a look at school law which has developed as a result of judicial opinions, and follow this with a look at school law resulting from federal legislation. Next, the student will examine school law resulting from federal legislation on vocational education and finally examine school law resulting from state legislation and local agency resolutions.

## Resource Materials For Completing The Activities In This Module

Alexander, Kern; Ray Corns; and Walter McCann. Public School Law Cases and Materials. St. Paul, Minnesota: West Publishing Co., 1969.

Calhoun, Calfrey C. and Alton V. Finch. Vocational and Career Education: Concepts and Operations. Belmont, California: Wadsworth Publishing Company, 1976.

California State Department of Education, The Vocational Education Act of 1976, Title II of Public Law 94-482, Education Amendments of 1976, Sacramento: 1977.

State of California. Education Code, Title 1 and 2, Statutes of 1976.

Commager, Henry Steele, "Only the National Government . . ." Today's Education, Volume 62, No. 6, September-October, 1973, 47-48.

Remmlein, Madaline and Martha Ware. School Law, (3d. ed.) The Interstate Printers & Publishers, Danville, Illinois: 1970.

# SCHOOL LAW AND ITS RELATIONSHIP TO VOCATIONAL EDUCATION

## Lesson One: Examining Sources From Which School Law Stems

### Objective

Upon the satisfactory completion of this lesson, the student will be able to:

(1) relate specific sources from which school law is derived;

(2) state specific examples of these laws.

### Overview

In the past two or three decades there has been an increasing concern with personal rights and freedoms. Rules and regulations which previously had never been questioned are now beginning to be examined. This awareness of law is seen in many areas such as medicine, insurance, and education.

The awareness of rules and regulations regarding education may have developed because of better communication among teachers, legislators, professional organizations, and government employees. Or the awareness may have been fostered by the more liberal attitude of the present society in which the status quo is not just taken for granted but rather is put under scrutiny.

Regardless of the reason for the increased awareness of rules and regulations regarding education, the knowledge of the source of school law is a step toward more completely understanding the educational process of today.

Therefore, in this lesson, the foundations of school law are examined and are put into the context of today's educational system.

### Suggested Activities

#### Reading Activities

(1) Read the "Introduction" to School Law by Remmlein and Ware, pp. xix-xxx.

(2) Read "Appendix A—How to Find School Law," School Law by Remmlein and Ware, pp. 345-369.

#### Other Suggested Activities

(1) Research the authority by which the states are given responsibility for education by referring to the United States Con-

stitution. Read the Tenth Amendment and the Articles to the Constitution, and then be prepared to discuss with your instructor or members of the class why it is that the states have implied powers over education.

(2) Be prepared to discuss with your instructor or with members of your class how it is that the United States Government entered into the realm of statutory school law. (Recommended resource is Vocational and Career Education: Concepts and Operations by Calhoun and Finch, pp. 31-33.)

(3) Prepare a written paper which would identify significant legislation (statutory law) which the federal government enacted prior to 1900. Briefly annotate each piece of legislation enacted, and then relate in a summary paragraph what effect such legislation had upon the development of vocational education. (Recommended resource is Vocational and Career Education: Concepts and Operations by Calhoun and Finch, pp. 33-34.)

(4) Prepare in writing examples of school law which have been determined in the state in which you live by the following methods:

a. State statutory law: identify the law by name and briefly describe what it encompasses.

b. State administrative law: identify a law (rulings or regulations) resulting from decisions made by a state board of education or a state education officer; briefly describe the law.

c. Local administrative law: identify a law (rulings or resolutions) resulting from decisions made by a local board of education; briefly describe the law.

Suggested Resources

Calhoun, Calfrey C. and Alton V. Finch. Vocational and Career Education: Concepts and Operations. Belmont, California: Wadsworth Publishing Company, 1976.

State of California. Education Code. (Or other State Education Codes as may be appropriate.)

Remmlein, Madaline and Martha Ware. School Law, (3d. ed.) The Interstate Printers & Publishers, Danville, Illinois, 1970.

Upon successful completion of assigned activities, proceed to Lesson 2.

# SCHOOL LAW AND ITS RELATIONSHIP TO VOCATIONAL EDUCATION

## Lesson Two: Examining School Law Based On Judicial Opinions

### Objective

Upon the satisfactory completion of this lesson, the student will have examined the development of school law from judicial opinions, and he/she will be able to cite and briefly describe a court case from which school law has originated.

### Overview

One of the sources from which school law develops is the judicial opinion in a court case. This source is commonly known as case law. Case law may be based on court decisions involving the interpretation of constitutional and statutory law, or it may be based on decisions made when a particular set of circumstances has not been legislated upon and the rights of the parties involved need to be decided by the court.

The court decisions recorded with written opinions (mostly appellate court cases) are the foundation for case law which lawyers and judges follow in subsequent cases involving similar circumstances. When a court decision has established a principle, it becomes a precedent for subsequent decisions until it is overruled; however, the precedent applies only within the same area in which the court has jurisdiction. In other jurisdictions, the courts are free to make different decisions, although they are often influenced by the prevailing view in other courts. Therefore, it is found that school law differs in one part of the country from that in another.

This lesson examines a number of decisions which have been made by various courts throughout the country. The cases deal with public education in general, but they have an influence upon vocational education nevertheless.

### Suggested Activities

#### Reading Activities

Use School Law by Remmlein and Ware for the following topics and cases:

(1) Read pages 223-226 (Admission and Attendance). Read the case of Cooper v. Aaron (The Little Rock Story), pp. 238-241.

(2) Read pages 257-258 (Transportation at Public Expense). Read the case of Gandt v. Joint School District No. 3, (Measurement of distance for pupil transportation purposes), pp. 264-265.

(3) Read pages 277-279 (Textbooks and Curriculum). Read the case of School District of Abington Township v. Schempp and Murray v. Curlett (Bible reading and prayer in the public schools), pp. 292-295.

(4) Read pages 303-305 (Control of Pupils' Conduct). Read the case of Suits v. Glover (Assault and battery charged on ground of corporal punishment), pp. 306-307. Read case of Leonard v. School Committee of Attleboro (Validity of rule against long hair cuts), pp. 317-320.

Other Suggested Activities

(1) Discuss with the instructor and/or with class members the ramifications of the cases read under the previous Reading Activities section.

(2) Using Public School Law Cases and Materials by Alexander, Corns, and McCann, investigate cases similar to the ones identified in the previous Reading Activities section. Be prepared to discuss these cases with the instructor and/or class members.

(3) Using Public School Law Cases and Materials by Alexander, Corns, and McCann as the source, research a topic of your choice and describe in writing the opinions which courts have rendered. For example, you may wish to select such topics as "student dress," "suspension and expulsion," or "pupil marriages."

(4) Contact the appellate court (or a law library) in your locale to determine if it has established any case law regarding education in the last 25 years. Either record your findings in writing or be prepared to discuss them with the instructor and/or class members.

Suggested Resources

Alexander, Kern; Ray Corns; and Walter McCann. Public School Law Cases and Materials. St. Paul, Minnesota: West Publishing Co., 1969.

Remmlein, Madaline and Martha Ware. School Law, (3d. ed.) The Interstate Printers & Publishers, Danville, Illinois, 1970.

Upon successful completion of assigned activities, proceed to Lesson 3.

# SCHOOL LAW AND ITS RELATIONSHIP TO VOCATIONAL EDUCATION

## Lesson Three: Examining School Law Resulting From Federal Statutes

### Objective

Upon the satisfactory completion of this lesson, the student will have examined school law which came about as a result of federal legislation. The student, then, will be able to identify examples of school law which came about as a result of federal legislation and will be able to briefly describe that legislation.

### Overview

Since the United States Constitution implies that education should be in the hands of the states, the federal government does not exercise direct control over education. However, from time to time the welfare of the nation has been at stake, and it has become appropriate for the federal government to enact legislation dealing with education. An example of such enactment early in the history of our nation is the Land Ordinance of 1785. In the passing of that ordinance, Congress required "that certain Western lands be divided into six-mile-square townships, which were then to be subdivided into thirty-six sections, with the sixteenth section set aside for the support of education."

Other legislation which was created to benefit the welfare of the nation in the area of education has been passed by Congress. The purpose of this lesson is to reveal what some of those statutes are and to see how they affect education as a whole and vocational education in part.

### Suggested Activities

#### Reading Activities

Use Vocational and Career Education: Concepts and Operations by Calhoun and Finch. Read pages 34-53.

#### Other Suggested Activities

(1) Using the reading material described in the Reading Activities, create a written chronology which details the major federal legislation on vocational education between 1900-1970. Briefly annotate each piece of major legislation.

(2) Read "Only the National Government . . ." by Henry Steele Commager in Today's Education, Volume 62, No. 6, September-October 1973, pp. 47-48. Then relate in writing or orally to your instructor and/or class members the significance that article has to the involvement of the Federal Government in legislation concerning education.

(3) Inquire of a local school district whether it had the opportunity to make use of the benefits of the school law which was created by the Elementary and Secondary Education Act of 1965. If it did, determine the means by which this federal statute was employed in the district. Report on this investigation in writing or orally to the instructor and/or the class members.

(4) Solicit opinions from a cross section of people (minister, teacher, janitor, store manager, policeman, etc.) as to whether they think there should be more or less federal support of education. Report on this investigation in writing or orally to the instructor and/or the class members.

Suggested Resources

Calhoun, Calfrey C. and Alton V. Finch. Vocational and Career Education: Concepts and Operations. Belmont, California: Wadsworth Publishing Company, 1976.

Commager, Henry Steele, "Only the National Government . . ." Today's Education, Volume 62, No. 6, September-October, 1973, 47-48.

Upon successful completion of assigned activities, proceed to Lesson 4.

# SCHOOL LAW AND ITS RELATIONSHIP TO VOCATIONAL EDUCATION

## Lesson Four: Examining Recent School Law On Vocational Education Resulting From Federal Legislation

### Objective

Upon the satisfactory completion of this lesson, the student will be able to identify and describe the most recent federal legislation on vocational education; namely, The Comprehensive Employment and Training Act of 1973 and the Vocational Education Act of 1976.

### Overview

Although States have implied powers covering the area of education, they must comply with any federal legislation (statutes) concerning education. Furthermore, federal legislation may prescribe how the states are to comply. Such is the case with the school laws known as The Comprehensive Employment and Training Act of 1973 and The Vocational Education Act of 1976.

The Vocational Education Act of 1976 is actually Title II of a more comprehensive school law known as the Education Amendments of 1976. The law was enacted by Congress to extend the Higher Education Act of 1965 and to extend and revise the Vocational Education Act of 1963.

It is the purpose of this lesson to examine both The Comprehensive Employment and Training Act of 1973 and The Vocational Education Act of 1976, since state and local programs in vocational education falling under the jurisdiction of these acts must be in compliance with them.

### Suggested Activities

#### Reading Activities

(1) Read pages 358-365, Vocational and Career Education: Concepts and Operations by Calhoun and Finch.

(2) Read Title II--Vocational Education of the Education Amendments of 1976, Sec. 201 and those portions of Sec. 202 which deal with parts of various amendments to the Vocational Education Act of 1963 (Sec. 101 through Sec. 107).

#### Other Suggested Activities

(1) Upon reading about the Comprehensive Employment and Training Act of 1973 in Vocational and Career Education: Concepts and Operations, put in writing or state orally to the instructor and/or other class members your impressions of the significance of this school law.

(2) Upon reading the assigned topics concerning the amendments to the Vocational Education Act of 1963, (as they are stated in the Vocational Education Act of 1976) put into writing the following elements:

a. The basic purposes of the act

b. The basic requirements for states to follow in administering the act

c. The basic requirements for states in developing "Five-Year State Plans" in vocational education.

(3) Invite a vocational education director of a school district to attend a discussion session where the provisions of The Vocational Education Act of 1976 can be discussed. Discussion topics might include (a) the differences between the Vocational Education Act of 1963 and the Vocational Education Act of 1976; (b) the effect of states having to design a Five-Year State Plan; (c) the effect of State Five-Year Plans on local district plans; or (d) the pros and cons of The Vocational Education Act of 1976.

(4) Read The Vocational Education Act of 1976 in greater depth and put into writing or state orally to the instructor and/or class members the provisions of the act which deal with the following:

a. National priority programs

b. Work study programs

c. Vocational education personnel training

d. Grants to assist in overcoming sex bias

e. Special programs for the disadvantaged

f. Consumer and homemaking education

Suggested Resources

Calhoun, Calfrey C. and Alton V. Finch. Vocational and Career Education: Concepts and Operations. Belmont, California: Wadsworth Publishing Company, 1976.

California State Department of Education. The Vocational Education Act of 1976, Title II of Public Law 94-482, Education Amendments of 1976, Sacramento: 1977.

Upon successful completion of assigned activities, proceed to Lesson 5.

# SCHOOL LAW AND ITS RELATIONSHIP TO VOCATIONAL EDUCATION

## Lesson Five: Examining School Law On Vocational Education Resulting From State Legislation And Local Agency Resolutions

### Objective

Upon the satisfactory completion of this lesson, the student will be able to:

(1) identify and describe school law concerning vocational education which has been made a part of a State's Education Code;

(2) examine a plan for vocational education coming from a local agency, and;

(3) describe its relationship to school law.

### Overview

School law may emanate from administrative decisions of local agencies, state agencies, or federal agencies as well as from statutes and regulations from these agencies. However, the school law coming from a local agency must be in compliance with the school law of the state: likewise, the school law coming from a state must be in compliance with the school law of the federal government.

Another way of looking at the concept of compliance is to say that all school law must comply with the Constitution of the United States; that all states are free to create school law as long as it is in compliance with federal legislation and statutes; that all local agencies are free to create school law as long as it is in compliance with the state legislation and statutes; and that all schools within a local school district are free to create school law as long as it is in compliance with local agency resolutions. Technically, a vocational education classroom can create its own school law as long as it is in compliance with the school law of that particular school.

To put vocational education into its proper perspective in regard to school law, this lesson asks the student to examine the Education Code of a particular state and the operating policies for vocational education in a particular local agency.

### Suggested Activities

#### Reading Activities

The Education Code for the State of California is used in the reading activities stated below; students in states other than California should use the appropriate code for their states.

(1) Read pages 164-175, Chapter 1 (Vocational Education) of Part 6 (Education Programs--State Master Plans) of Title 1 (General Education Code Provisions) of the Education Code, State of California.

(2) Read pages 227-231, Article 1, 2, and 5, Chapter 1 (Administration of Federal Programs--State Board of Education) of Part 8 (Participation in Federal Programs and Interstate Agreements) of Title 1 (General Education Code Provisions) of the Education Code, State of California.

Other Suggested Activities

(1) After reading the material in the Education Code as is requested under Reading Activities in this lesson, discuss orally with the instructor and/or the class members pertinent topics concerning vocational education and how its administration is prescribed by school law. Included in the discussion could be topics similar to the following:

a. How does it come about that the administration of vocational education is codified into law?

b. What provisions does the school law of the state make for the administration of vocational education?

c. What agent or agency in the state is responsible for the distribution of federal monies?

d. What are the duties of the California Advisory Council on Vocational Education and Technical Training?

e. What is the required composition of the membership on the California Advisory Council on Vocational Education and Technical Training?

(2) Using the Education Code for the State of California, read additional information about vocational education as it pertains to regional occupational centers, career guidance centers, prevocational education, high school vocational courses, summer vocational education, and summer environmental internship programs. Information on these topics is found on pages 1298-1315 of Chapter 9 (Vocational Education) of Title 2 (Elementary and Secondary Education) of the Education Code, State of California. Discuss these topics orally with the instructor and/or the class members.

(3) Invite the Director of Vocational Education from a local agency to attend a class session, or arrange an interview with such a person, to discuss that agency's (district's) plan for vocational education. If possible, examine the plan to see how it complies with state and federal regulations.

Suggested Resources

State of California. Education Code, Title 1 and 2, Statutes of 1976.

Upon completion of the assigned activities in this module, you should be ready to take the Module Posttest. See your instructor for directions and measurement criteria.

# SCHOOL LAW AND ITS RELATIONSHIP TO VOCATIONAL EDUCATION

## MODULE PRE/POSTTEST

Student_____

Instructor_____

Date_____

Student: This pre/posttest is designed to assess your knowledge of school law and its relationship to vocational education. Since this module is an individualized and competency-based learning device, you will need to study only those lessons that are presented on the basis of your response to this test.

1. School law is derived from statutes and judicial opinions. Explain what is meant by each and give a specific example of each.

2. School law derives its authority indirectly from the United States Constitution. Describe the expressed and implied powers that the United States Government has over education by virtue of what the United States Constitution has to say about it.

3. If a layperson (a person who is not a lawyer) wished to find out what school law had to say about a particular topic (for example, the dress code in public schools), what advice and direction would you give to that person to help her/him find information on the topic?

Pre/Posttest (continued)

4. School law is derived from judicial decisions (court cases), some of which are federal court decisions and some of which are state court decisions. Select one of the following and describe that particular court case. Also tell what school law was created by precedence as the result of that case.

   Select from: Cooper v. Aaron (Enforcement of court-ordered desegregation in Little Rock)
   Gandt v. Joint School District No. 3 (Transportation at public expense)
   Murray v. Curlett (Bible reading and prayer in the public schools)
   Leonard v. School Committee of Atteboro (Validity of rule against long hair)

   OR

   Select a case of your choice, describe what it is about, and tell the significance of the outcome of that case.

5. The federal government created several school laws which had profound effects on the nation. Describe one of the following and tell how that law affected education in the United States: Land Ordinance of 1785; Northwest Ordinance of 1787; The Morrill Act of 1862; and the Hatch Act of 1887.

6. Since 1900, there have been many significant pieces of federal legislation concerning education. Select two of the following and describe briefly what each one is about and how it had an effect upon vocational education: Smith-Hughes Act of 1917; George-Barden Act of 1946; National Defense Education Act of 1958; and the Vocational Education Act of 1963.

Pre/Posttest (continued)

7. Describe the Comprehensive Employment and Training Act of 1973 and state the significance of this piece of legislation.

8. Present the basic purposes of the Vocational Education Act of 1976.

9. Vocational education is defined in the education codes of the states. Describe the provisions that your state has made for vocational education as defined in the education code of that state.

10. What is a district plan for vocational education, and why must each district have one if it wishes to participate in federal funding?

Return this test to your instructor.

# SCHOOL LAW AND ITS RELATIONSHIP TO VOCATIONAL EDUCATION

## ANSWER KEY

## MODULE PRE/POSTTEST

| |
|---|
| Instructor: Do not reproduce this page in student's booklets. You must retain it for grading and prescriptive purposes. Answers will vary with individuals. A preferred response might be similar to the answer presented. |

1. (L1) School law derived from statutes: Statutes refer to the enactments of both state and federal legislatures. Examples of federal legislation of school law might include the Northwest Ordinance of 1787; The Morrill Act of 1862; the Smith-Hughes Act of 1917; the Elementary and Secondary Act of 1965; and the Vocational Education Act of 1976.

School law derived from judicial opinions: Judicial opinions refer to law that has been established as a result of court decision. Examples of such decisions are the 1954 Supreme Court decision in the "Segregation Cases" (as evidenced by Cooper v. Aaron) and Serrano v. Priest in California which declared there should be equality in financing of education within the school districts of the state.

2. (L1) The United States Constitution states in the Tenth Amendment that all matters not delegated to the Federal Government are reserved to the states. Since education is not expressly mentioned in the Constitution, the states were given control over this matter. However, as the nation developed, it was realized that the security and welfare of the nation was dependent upon an educated citizenry. Therefore, from the expressed power in the Constitution which says the federal government is to provide for the welfare of the nation, the federal government implied that provisions for education came under its jurisdiction in certain circumstances. These circumstances especially apply to situations such as providing for the national defense or providing for the general welfare of the people through job training.

3. (L1) The advice might be to see a lawyer who is familiar with school law or to talk to school personnel who are knowledgeable in the area of school law. If the layperson wishes to pursue school law on her/his own, then there are three general areas that could be studied. They are:

a. Constitutions. Both federal and state constitutions have fundamental rights and expressed policies stated in them; they provide the basis for all school law.

b. Federal and state statutues. Legislation is passed by both the federal and state governments on school law. States have a system of codifying school law--generally known as the Education Code. Indexed volumes of codified school law helps a person research a particular topic.

c. Judicial opinions (court cases). There are several references for determining what judicial opinions have been handed down on particular topics. One such reference is The American Digest System which is a series of digests of cases from 1658 to the present. Another reference is the National Reporter System. It includes cases from all courts of record in all states and gives the actual opinion of the court in each.

4. (L2) Answers should be written on one of the following:

Cooper v. Aaron: The case consists of an effort to obtain a court order which would postpone the efforts of the Little Rock School Board to desegregate its schools. The precedent created as a result of the court's ruling is that the Constitution of the United States and its interpretations by the Supreme Court of the United States are the supreme law of the land which no state can disregard. The Supreme Court made it clear that once desegregation had begun, it would not permit a board of education to reverse its action where the reason for doing so was violence and disorder designed to prevent orderly desegregation.

Gandt v. Joint School District No. 3 (Transportation at public expense): This case concerns a statute on the books of the state of Wisconsin which says that school boards of all school districts operating public elementary schools shall provide transportation to and from school for all pupils residing in the district two miles or more from the nearest public school they may attend. The point of contention involved whether the distance of the Gandt family were beyond the two-mile limitation. The point of this case is that two people measuring the shortest distance between two points can get different results; it demonstrates what can happen when the statute is stated in too specific terms.

Murray v. Curlett (Bible reading and prayer in public schools): This case concerned a successful effort on the part of Mrs. Madalyn Murray and her son, William, to have the rule suspended in the school William attended of "reading, without comment, of a chapter in the Holy Bible and/or the use of the Lord's Prayer." The precedent set by this case is that the use of a state adopted prayer in the public schools is unconstitutional since the First Amendment to the United States Constitution declares that "congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . . ."

Leonard v. School Committee of Atteboro (Validity of rule against long hair cuts): This case concerned the suspension of a student named George Leonard from school because of hair that was longer than that length advocated by the school dress regulations. Leonard argued that his hair needed to be the required length it was because of a musical group he was in. Unfortunate ridicule was aimed at the boy from a member of the school committee. However, the court ruled in favor of the school committee. The precedent set by this case is similar to that of other cases which say that school authorities may regulate the dress and appearance of students when they become so extreme that they affect adversely discipline and classroom decorum. (Recently, however, there have been differing opinions resulting from court cases which have said that a rule prohibiting boys from wearing long hair and sideburns was unconstitutional because it deprived the students of liberty without due process of law as required by the Fourteenth Amendment.)

Note: Students may select a court case of their own choice, describe what it is about, and tell the significance of the outcome of that case.

5. (L3) Federal school laws: (Answers should be written on <u>one</u> of the following laws.)

<u>Land Ordinance of 1785</u>. By the passage of this ordinance, Congress required that certain western lands be divided into six-mile-square townships. These townships were then to be subdivided into thirty-six sections, with the sixteenth section set aside for the support of education.

This was the first piece of statutory law on education passed by the federal government (indicating recognition of the federal government's implied power over education). Its passage was significant in that it provided for the education of citizens so that they would be competent to govern themselves.

<u>Northwest Ordinance of 1787</u>. In this ordinance Congress specified that "religion, morality, and knowledge were necessary for good government and the happiness of mankind and that schools and the means for education should be forever encouraged." It demonstrated the fact that the federal government took an expressed interest in education and wished to provide for the education of its citizens in all lands that belonged to the nation or would be acquired in the future.

<u>The Morrill Act of 1862</u>. This act granted 30,000 acres of land to each state for each senator and representative it had in Congress. Income from the sale of such lands by the states was used to create and maintain agricultural and mechanical arts colleges. The effect of this law, the first legislation passed by the federal government to support vocational education, was to make it possible for many citizens who could not otherwise

Pre/Posttest Answer Key (continued)

do so to prepare themselves for practical careers in agriculture and industry while at the same time acquiring the cultural and intellectual attributes associated with a general education.

The Hatch Act of 1887. This act provided $15,000 annually to each state to establish agricultural experiment stations. Such stations worked closely with land-grant institutions to provide help to farmers and to upgrade the nation's agricultural methods. The effect of this act was to further vocational education (namely, agricultural and industrial education) and to continue setting the precedent for the involvement of the federal government in education.

6. (L3) Legislation since 1900 which has affected vocational education: (Answers should be written on two of the following laws.)

Smith-Hughes Act of 1917. This school law provided funds for three areas of vocational education at the secondary level--agriculture, trade and industry, and home economics. Funds were also provided for the training of teachers in these fields, and provisions were made for the study of the need for commercial education. It affected vocational education by setting the precedent of the federal government's concern for the preparation of the nation's young people for productive adulthood.

George-Barden Act of 1946. This act expanded the role of the federal government in vocational education even more than the previous acts which followed the Smith-Hughes Act of 1917. It included distributive education in its funding. This act had a special effect upon vocational education in that it helped to provide a means for thousands of returning World War II veterans to acquire employable skills in a rapidly expanding economy.

National Defense Education Act of 1958. This act was passed following the Soviet Union's placement of the first man-made earth satellite into space. It provided funding for training of highly skilled defense technicians in vocational education programs not of college level, and it provided counseling and guidance programs to identify and encourage able students. Its effect upon vocational education was to expand the area included in support of vocational education and to further identify the federal government's concern for education when it involves the security and welfare of the nation.

Vocational Education Act of 1963. This act was designed to maintain, extend, and improve existing vocational education programs and to provide all persons with ready access to vocational training or retraining in areas for which they were suited and for which there would be employment opportunities. The act had a

Pre/Posttest Answer Key (continued)

special effect on vocational education in that it was the first time the needs of people were emphasized rather than the labor needs of the nation. It also was significant in that it represented the beginning of the federal government's total commitment to vocational education.

7. (L4) Comprehensive Employment and Training Act of 1973.

This vocational education act made federal monies available to state and local governments for employment counseling, supportive services, classroom, educational and occupational skills training, training on the job, work experience, and transitional public service employment. It was a significant piece of legislation in that it made the funds for these programs available for the first time without any federal strings attached as to the kind and amount of services to be provided. This shift in inter-government responsibilities allowed state and local governments to become more involved as decision makers.

8. (L4) Basic Purposes of The Vocational Education Act of 1976.

The basic purpose of the act is to assist states in improving their planning in the use of all resources available to them for vocational education and manpower training by involving a wide range of agencies and individuals concerned with education and training within the state in the development of the vocational education plans. Other purposes are to extend, improve, and maintain existing programs of vocational education; to develop new programs of vocatonal education; to develop and carry out such programs of vocational education within each state so as to overcome sex discrimination and sex stereotyping in vocational education programs; and to provide part-time employment for youths who need the earnings from such employment to continue their vocational training on a full-time basis.

9. (L5) Answers will vary according to the variety of State Education Codes being used. However, in the State of California, the Education Code in its 1976 printing has a special section on vocational education. This section provides for a California Advisory Council on Vocational Education and Technical Training. The code also provides for Regional Adult and Vocational Education Councils. The code also provides for the creation of local advisory committees on vocational education.

Other sections of the code deal with such matters as handling funds for vocational education which come from the federal government, the use of vocational education contracts, the establishment of Regional Occupation Centers, the creation of Career Guidance Centers, and the use of programs involving high school vocational courses and summer vocational education.

Pre/Posttest Answer Key (continued)

With the implementation of the Vocational Education Act of 1976, there will no doubt be new provisions added and changes made to the present code to bring it into compliance with the requirements of federal law.

10. (L5) The district plan for vocational education is an immediate and a long-range plan for that local area. Since the intent of federal legislation has been to place local and state agencies in decision-making positions concerning vocational education, it is necessary for such agencies to demonstrate that they are supportive of vocational education and that they have plans for implementing it.

The Vocational Education Act of 1976 has as one of its basic purposes the intent to have local and state agencies improve their planning for vocational education. States are required to submit a Five-year Plan to the federal government in order to participate in federal funding. Similarly, local agencies need to demonstrate to the state that they have coordinated plans for carrying out vocational education in their districts.

MODULES -- COMMON CORE CURRICULUM FOR VOCATIONAL EDUCATION

Category A: Introduction to Vocational Education

- A-1 History, Philosophy, and Trends in Vocational Education
- A-2 Scope, Function, and Organization in Vocational Education
- A-3 Vocational Legislation
- A-4 Assessing the Job Market and Employment Trends

Category B: Cooperative Relationship

- B-1 Rationale for Cooperative Relationships
- B-2 Advisory Councils
- B-3 Cooperative and Work Experience Programs

Caregory C: Vocational Students

- C-1 Promoting Vocational Education and Recruiting Eligible Students for Vocational Education
- C-2 Assessing Students' Personal Characteristics
- C-3 Guidance and Counseling
- C-4 Assisting Students with Special Needs in Vocational Education Program
- C-5 Assessing the Needs of the Disadvantaged Student
- C-6 Developing Student Leadership Qualities in Vocational Education Programs
- C-7 Student Organizations

Category D: Administration and Supervision

- D-1 Fiscal Management of a Vocational Education Program
- D-2 Writing a Vocational Education Project/Budget
- D-3 Record Keeping in Vocational Programs
- D-4 Conference Leadership
- D-5 Selection, Supervision, and Evaluation of Personnel
- D-6 School Law and Its Relationship to Vocational Education
- D-7 Staff Development
- D-8 Implementation of Change

Category E: Curriculum Design in Vocational Education

- E-1 Developing a Curriculum Design in Vocational Education
- E-2 Applying Learning Theory to Vocational Education
- E-3 Instructional Strategies

Category F: Stages and Structure of Curriculum Development

- F-1 Theories in Curriculum Development
- F-2 Building a Curriculum for Vocational Education
- F-3 Applying Curriculum Specifics to Vocational Education
- F-4 Safety

Category G: Evaluation and Research

- G-1 Evaluation Models
- G-2 Evaluation Procedures for Local Programs
- G-3 Introduction to Research Procedures in Vocational Education
- G-4 Research Design in Vocational Education
- G-5 Development of a Research Proposal in Vocational Education